

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
ROYCE HOMES, L.P.,	§	CASE NO. 09-32467
	§	(Chapter 7)
DEBTOR.	§	
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RODNEY TOW, TRUSTEE,	§	
	§	
PLAINTIFF,	§	
	§	
VS.	§	ADVERSARY 11-3191
	§	
JOHN H. SPEER, AMEGY BANK, N.A.,	§	
AMEGY MORTGAGE COMPANY, LLC,	§	
MICHAEL MANNERS, DONNIE LOU	§	
SPEER, VESTALIA, LLC, HAMMERSMITH	§	
GROUP, LLC, F/K/A HAMMERSMITH	§	
GROUP, INC., PARK LAKE	§	
COMMUNITIES, LP, WATERMARK	§	
TORTUGA, LLC, ALLARD INVESTMENT	§	
COMPANY, LLC, DWM HOLDINGS, INC.,	§	
MGM MOTOR SPORTS, LLC, SARACEN	§	
HOLDINGS, INC., GEORGE KOPECKY,	§	
	§	
DEFENDANTS.	§	

PARK LAKE COMMUNITIES, L.P.'S JURY DEMAND

(relates to docket no. 1)

COMES NOW, Park Lake Communities, L.P. ("Park Lake") and hereby files its Jury Demand and states as follows:

1. On April 28, 2011, Rodney Tow, Chapter 7 trustee (the "Chapter 7 Trustee") filed an adversary complaint (the "Complaint") against the Defendants as listed above.
2. Park Lake is listed as a Defendant in this Complaint.
3. Park Lake has not filed a proof of claim in this case or otherwise invoked the equitable jurisdiction of this Court.

4. The claims against Park Lake are noncore claims.

5. Although its answer to the Complaint is not due until May 31, 2011, and Park Lake does not intend for this Pleading to constitute its answer, Park Lake files this timely Jury Demand and in support thereof would show the Court as follows:

6. Rule 9015 of the Federal Rules of Bankruptcy Procedure, which expressly incorporates Rule 38 of the Federal Rules of Civil Procedure, authorizes Park Lake to request a jury trial on any and all issues triable by a jury. Many of the issues raised by the Chapter 7 Trustee in this Complaint contain factual allegations that are disputed by Park Lake and are precisely those types of factual disputes that are traditionally submitted to a jury.

7. Although juries are not commonplace for Adversary Complaints, the United States Supreme Court has confirmed that a Defendant, like Park Lake, is entitled to demand a jury trial on issues that are disputed in this situation. *See, Langenkamp v. Culp*, 498 U.S. 42, 111 S.Ct. 330, 112 L.Ed.2d 343 (1990) (per curiam); *Granfinanciera S.A. v. Nordberg*, 492 U.S. 33, 109 S.Ct. 2782, 106 L.Ed.2d 26 (1989).

8. Park Lake does not consent to a trial by jury conducted in the Bankruptcy Court.

WHEREFORE, PREMISES CONSIDERED, Park Lake respectfully prays that all parties take notice of this Jury Demand and, if necessary, that a hearing be held to address the issues, if any, associated with this Jury Demand.

Respectfully submitted this 31st day of May, 2011.

HIRSCH & WESTHEIMER, P.C.

By: /s/ Michael J. Durrschmidt

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Certificate of Service

I hereby certify that on the 31st day of May, 2011, a copy of the foregoing Jury Demand was sent to the following parties via first class mail, postage prepaid and/or via the Clerk of the Court through the ECF system.

/s/ Michael J. Durrschmidt

Michael J. Durrschmidt

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